

A bill for an act

relating to game and fish; modifying aquaculture provisions; modifying disposal restrictions for certain livestock taken by wild animals; modifying provisions for taking, possessing, and transporting wild animals; modifying requirements for fish and wildlife management plans; modifying game and fish license provisions; modifying license requirements and fees for youth hunters; providing exemptions from rulemaking; providing criminal penalties; amending Minnesota Statutes 2008, sections 17.4982, subdivision 12, by adding a subdivision; 17.4991, subdivision 3; 17.4994; 35.82, subdivision 2; 84.942, subdivision 1; 84D.03, subdivision 3; 84D.13, subdivision 3; 97A.015, subdivision 52, by adding a subdivision; 97A.101, subdivision 3; 97A.145, subdivision 2; 97A.311, subdivision 5; 97A.331, by adding subdivisions; 97A.420, subdivisions 2, 3, 4, 6, by adding a subdivision; 97A.421, subdivision 4a, by adding a subdivision; 97A.433, by adding a subdivision; 97A.435, subdivision 1; 97A.445, subdivision 5; 97A.451, subdivision 3; 97A.475, subdivisions 3a, 4, 43, 44; 97A.535, subdivision 2a; 97A.545, subdivision 5; 97B.015; 97B.020; 97B.021, subdivision 1; 97B.022, subdivision 2; 97B.031, subdivision 5; 97B.045, by adding a subdivision; 97B.075; 97B.106, subdivision 1; 97B.301, subdivisions 3, 6; 97B.325; 97B.405; 97B.515, by adding a subdivision; 97B.601, subdivision 4; 97B.711, by adding a subdivision; 97B.803; 97C.005, subdivision 3; 97C.087, subdivision 2; 97C.205; 97C.341; Minnesota Statutes 2009 Supplement, sections 84.95, subdivision 2; 97A.075, subdivision 1; 97A.445, subdivision 1a; 97A.475, subdivisions 2, 3; 97B.055, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; 97B; repealing Minnesota Statutes 2008, sections 84.942, subdivisions 2, 3, 4; 97A.435, subdivision 5; 97A.451, subdivisions 3a, 4; 97A.485, subdivision 12; 97B.022, subdivision 1; 97B.511; 97B.515, subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 17.4982, is amended by adding a subdivision to read:

Subd. 10a. **Fish collector.** "Fish collector" means an individual who has been certified under section 17.4989 to oversee the collection of fish samples from a facility or a water body for disease testing by a certified laboratory.

Sec. 2. Minnesota Statutes 2008, section 17.4982, subdivision 12, is amended to read:

Subd. 12. **Fish health inspection.** (a) "Fish health inspection" means an on-site, statistically based sampling, collection, and testing of fish in accordance with processes in the Fish Health Blue Book ~~for all lots of fish in a facility~~ or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE) to test for causative pathogens. The samples for inspection must be collected by a fish health inspector or a fish collector in cooperation with the producer. Testing of samples must be done by an approved laboratory.

(b) The inspection for viral hemorrhagic septicemia (VHS), infectious pancreatic necrosis (IPN), and infectious hematopoietic necrosis (IHN) in salmonids and for VHS in nonsalmonids must include at least a minimum viral testing of ovarian fluids at the 95 percent confidence level of detecting two percent incidence of disease ~~(ovarian fluids must be sampled for certification of viral hemorrhagic septicemia and infectious hematopoietic necrosis). Bacterial diseases must be sampled at the 95 percent confidence level with a five percent incidence of disease. The inspection must be performed by a fish health inspector in cooperation with the producer with subsequent examination of the collected tissues and fluids for the detection of certifiable diseases.~~

(c) The inspection for certifiable diseases for wild fish must follow the guidelines of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases.

Sec. 3. **[17.4989] FISH SAMPLE COLLECTING.**

Subdivision 1. **Training.** Fish collector training may be offered by any organization or agency that has had its class and practicum syllabus approved by the commissioner. The class and practicum must include the following components:

(1) accurate identification of licensed water bodies listed according to section 17.4984 and ensuring that collection is taking place at the correct site;

(2) identification of fish internal organs;

(3) fish dissection and sample preparation as identified by the Department of Natural Resources based on specific testing requirements or as outlined in the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE);

(4) recording and reporting data;

(5) sample preparation and shipping;

(6) a field collection site test to demonstrate mastery of the necessary skills, overseen by a certified fish health inspector; and

(7) a certificate of successful completion signed by a certified fish health inspector on a form provided by the commissioner.

Subd. 2. **Certification time period.** Fish collector certification is valid for five years and is not transferable. A person may renew certification only by successfully completing certification training. Certification shall be revoked if the certified person is convicted of violating any of the statutes or rules governing testing for aquatic species diseases. Certification may be suspended during an investigation associated with misconduct or violations of fish health testing and collection. The commissioner shall notify the person that certification is being revoked or suspended.

Subd. 3. **Conflict of interest.** A fish collector may not oversee the collection of fish from a facility or a water body when the collector has a conflict of interest in connection with the outcome of the testing.

Sec. 4. Minnesota Statutes 2008, section 17.4991, subdivision 3, is amended to read:

Subd. 3. **Fish health inspection.** (a) An aquatic farm propagating ~~trout, salmon,~~ salmonids or catfish and having an effluent discharge from the aquatic farm into public waters must have a fish health inspection conducted at least once every 12 months by a certified fish health inspector. Testing must be conducted according to ~~approved~~ the Fish Health Blue Book laboratory methods.

(b) An aquatic farm propagating any species on the viral hemorrhagic septicemia (VHS) susceptible list and having an effluent discharge from the aquatic farm into public waters must test for VHS virus using the guidelines of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE). The commissioner may, by written order published in the State Register, prescribe alternative testing time periods and methods from those prescribed in the Fish Health Blue Book or the OIE Diagnostic Manual if the commissioner determines that biosecurity measures will not be compromised. These alternatives are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner must provide reasonable notice to affected parties of any changes in testing requirements.

(c) Results of fish health inspections must be provided to the commissioner for all fish that remain in the state. All data used to prepare and issue a fish health certificate must be maintained for three years by the issuing fish health inspector, approved laboratory, or accredited veterinarian.

(d) A health inspection fee must be charged based on each lot of fish sampled. The fee by check or money order payable to the Department of Natural Resources must be

prepaid or paid at the time a bill or notice is received from the commissioner that the inspection and processing of samples is completed.

~~(e)~~ (e) Upon receipt of payment and completion of inspection, the commissioner shall notify the operator and issue a fish health certificate. The certification must be made according to the Fish Health Blue Book by a person certified as a fish health inspector.

~~(d)~~ (f) All aquatic life in transit or held at transfer stations within the state may be inspected by the commissioner. This inspection may include the collection of stock for purposes of pathological analysis. Sample size necessary for analysis will follow guidelines listed in the Fish Health Blue Book.

~~(e)~~ (g) Salmonids and catfish must have a fish health inspection before being transported from a containment facility, unless the fish are being transported directly to an outlet for processing or other food purposes or unless the commissioner determines that an inspection is not needed. A fish health inspection conducted for this purpose need only be done on the lot or lots of fish that will be transported. The commissioner must conduct a fish health inspection requested for this purpose within five working days of receiving written notice. Salmonids and catfish may be immediately transported from a containment facility to another containment facility once a sample has been obtained for a health inspection or once the five-day notice period has expired.

Sec. 5. Minnesota Statutes 2008, section 17.4994, is amended to read:

17.4994 SUCKER EGGS.

Sucker eggs may be taken from public waters with a sucker egg license endorsement; ~~which authorizes sucker eggs to be taken at a rate of one quart of eggs for each 1-1/2 acres of licensed surface waters except that for intensive culture systems, sucker eggs may be taken at a rate of two quarts per 1,000 muskellunge fry being reared~~ for the fee prescribed in section 97A.475, subdivision 29. The Taking of sucker eggs from public waters is subject to chapter 97C and may be supervised by the commissioner. The commissioner may limit the amount of sucker eggs that a person with a sucker egg license endorsement may take based on the number of sucker eggs taken historically by the licensee, new requests for eggs, and the condition of the spawning runs at those historical streams and rivers that have produced previous annual quotas.

Sec. 6. Minnesota Statutes 2008, section 35.82, subdivision 2, is amended to read:

Subd. 2. **Disposition of carcasses.** (a) Except as provided in subdivision 1b and ~~paragraph~~ paragraphs (d) and (f), every person owning or controlling any domestic animal that has died or been killed otherwise than by being slaughtered for human or animal

consumption, shall as soon as reasonably possible bury the carcass at a depth adequate to prevent scavenging by other animals in the ground or thoroughly burn it or dispose of it by another method approved by the board as being effective for the protection of public health and the control of livestock diseases. The board, through its executive director, may issue permits to owners of rendering plants located in Minnesota which are operated and conducted as required by law, to transport carcasses of domestic animals and fowl that have died, or have been killed otherwise than by being slaughtered for human or animal consumption, over the public highways to their plants for rendering purposes in accordance with the rules adopted by the board relative to transportation, rendering, and other provisions the board considers necessary to prevent the spread of disease. The board may issue permits to owners of rendering plants located in an adjacent state with which a reciprocal agreement is in effect under subdivision 3.

(b) Carcasses collected by rendering plants under permit may be used for pet food or mink food if the owner or operator meets the requirements of subdivision 1b.

(c) An authorized employee or agent of the board may enter private or public property and inspect the carcass of any domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption. Failure to dispose of the carcass of any domestic animal within the period specified by this subdivision is a public nuisance. The board may petition the district court of the county in which a carcass is located for a writ requiring the abatement of the public nuisance. A civil action commenced under this paragraph does not preclude a criminal prosecution under this section. No person may sell, offer to sell, give away, or convey along a public road or on land the person does not own, the carcass of a domestic animal when the animal died or was killed other than by being slaughtered for human or animal consumption unless it is done with a special permit pursuant to this section. The carcass or parts of a domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption may be transported along a public road for a medical or scientific purpose if the carcass is enclosed in a leakproof container to prevent spillage or the dripping of liquid waste. The board may adopt rules relative to the transportation of the carcass of any domestic animal for a medical or scientific purpose. A carcass on a public thoroughfare may be transported for burial or other disposition in accordance with this section.

No person who owns or controls diseased animals shall negligently or willfully permit them to escape from that control or to run at large.

(d) A sheep producer may compost sheep carcasses owned by the producer on the producer's land without a permit and is exempt from compost facility specifications contained in rules of the board.

(e) The board shall develop best management practices for dead animal disposal and the Pollution Control Agency feedlot program shall distribute them to livestock producers in the state.

(f) Paragraph (a) does not apply to livestock killed by wild animals or domestic dogs and the carcass is out-of-sight of the public, and will be used to attract the offending predators back to the kill site.

Sec. 7. Minnesota Statutes 2008, section 84.942, subdivision 1, is amended to read:

Subdivision 1. **Preparation.** The commissioner of natural resources shall prepare ~~a comprehensive fish and wildlife management plan~~ plans designed to accomplish the policy of section 84.941. ~~The comprehensive fish and wildlife management plan shall include a strategic plan as outlined in subdivision 2. The strategic plan must be completed by July 1, 1986. The management plan must also include the long-range and operational plans as described in subdivisions 3 and 4. The management plan must be completed by July 1, 1988.~~

Sec. 8. Minnesota Statutes 2009 Supplement, section 84.95, subdivision 2, is amended to read:

Subd. 2. **Purposes and expenditures.** Money from the reinvest in Minnesota resources fund may only be spent for the following fish and wildlife conservation enhancement purposes:

(1) development and implementation of the ~~comprehensive fish and wildlife management plan~~ plans under section 84.942;

(2) implementation of the reinvest in Minnesota reserve program established by section 103F.515;

(3) soil and water conservation practices to improve water quality, reduce soil erosion and crop surpluses;

(4) enhancement or restoration of fish and wildlife habitat on lakes, streams, wetlands, and public and private forest lands;

(5) acquisition and development of public access sites and recreation easements to lakes, streams, and rivers for fish and wildlife oriented recreation;

(6) matching funds with government agencies, federally recognized Indian tribes and bands, and the private sector for acquisition and improvement of fish and wildlife habitat;

(7) research and surveys of fish and wildlife species and habitat;

(8) enforcement of natural resource laws and rules;

(9) information and education;

(10) implementing the aspen recycling program under section 88.80 and for other forest wildlife management projects; and

(11) necessary support services to carry out these purposes.

Sec. 9. Minnesota Statutes 2008, section 84D.03, subdivision 3, is amended to read:

Subd. 3. **Bait harvest from infested waters.** (a) ~~The Taking of~~ Taking of wild animals from infested waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b).

(b) In waters that are designated as infested waters, except those designated because they contain prohibited invasive species of fish, the taking of wild animals may be permitted for:

(1) commercial taking of wild animals for bait and aquatic farm purposes according to a permit issued under section 84D.11, subject to rules adopted by the commissioner; and

(2) bait purposes for noncommercial personal use in waters that contain Eurasian water milfoil, when the infested waters are designated solely because they contain Eurasian water milfoil and if the equipment for taking is limited to cylindrical minnow traps not exceeding 16 inches in diameter and 32 inches in length.

(c) Nets, traps, buoys, anchors, stakes, and lines used for minnow harvest in an infested water that is designated because it contains invasive fish, invasive invertebrates, or certifiable diseases, as defined in section 17.4982, may not be used in any other waters.

Sec. 10. Minnesota Statutes 2008, section 84D.13, subdivision 3, is amended to read:

Subd. 3. **Criminal penalties.** (a) A person who violates a provision of ~~section~~ sections 84D.06, ~~84D.07, 84D.08, or to~~ 84D.10, or a rule adopted under section 84D.12, is guilty of a misdemeanor.

(b) A person who possesses, transports, or introduces a prohibited invasive species in violation of section 84D.05 is guilty of a misdemeanor. A person who imports, purchases, sells, or propagates a prohibited invasive species in violation of section 84D.05 is guilty of a gross misdemeanor.

(c) A person who refuses to obey an order of a peace officer or conservation officer to remove prohibited invasive species or aquatic macrophytes from any watercraft, trailer, or plant harvesting equipment is guilty of a gross misdemeanor.

Sec. 11. Minnesota Statutes 2008, section 97A.015, is amended by adding a subdivision to read:

Subd. 1a. **Accompanied.** "Accompanied" means:

(1) for a youth age 13 or under hunting small game other than wild turkey, a parent or guardian over age 18 is within unaided sight and hearing distance of the youth hunter that is adequate for the parent or guardian to provide direction and control over the youth hunter;

(2) for a youth age 13 or under hunting wild turkey or big game, a parent or guardian over age 18 is in close enough proximity of the youth hunter for the parent or guardian to immediately assume control of the youth hunter's firearm or bow; or

(3) for a person age 13 or over born after December 31, 1979, and hunting with an apprentice hunter validation under section 97B.022, an adult licensed to hunt in Minnesota whose license was not obtained using an apprentice hunter validation is within unaided sight and hearing distance of the person that is adequate for the licensed adult to provide direction and control over the apprentice hunter.

Sec. 12. Minnesota Statutes 2008, section 97A.015, subdivision 52, is amended to read:

Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, blackbird, starling, magpie, cormorant, common pigeon, Eurasian collared dove, chukar partridge, quail other than bobwhite quail, and mute swan.

Sec. 13. Minnesota Statutes 2009 Supplement, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses ~~(5)~~, (6), (7), ~~(13)~~, ~~(14)~~, and ~~(15)~~ (8), and 3, clauses ~~(2)~~, (3), (4), ~~(10)~~, (5), and (11), ~~and (12)~~, and licenses issued under section 97B.301, subdivision 4.

(b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer management account and shall be used for deer habitat improvement or deer management programs.

(c) \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer and bear management account and shall be used for deer and bear management programs, including a computerized licensing system.

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild cervidae health management account and is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended. The commissioner must

9.1 inform the legislative chairs of the natural resources finance committees every two years
9.2 on how the money for emergency deer feeding and wild cervidae health management
9.3 has been spent.

9.4 When the unencumbered balance in the appropriation for emergency deer feeding
9.5 and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the
9.6 unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear
9.7 management programs and computerized licensing.

9.8 Sec. 14. Minnesota Statutes 2008, section 97A.101, subdivision 3, is amended to read:

9.9 Subd. 3. **Fishing may not be restricted.** Seasons or methods of taking fish other
9.10 than minnows may not be restricted under this section.

9.11 Sec. 15. Minnesota Statutes 2008, section 97A.145, subdivision 2, is amended to read:

9.12 Subd. 2. **Acquisition procedure.** (a) Lands purchased or leased under this section
9.13 must be acquired in accordance with this subdivision.

9.14 (b) The commissioner must notify the county board and the town officers where the
9.15 land is located and furnish them a description of the land to be acquired. The county board
9.16 must approve or disapprove the proposed acquisition within 90 days after being notified.
9.17 The commissioner may extend the time up to 30 days. The soil and water conservation
9.18 district supervisors shall counsel the county board on drainage and flood control and the
9.19 best utilization and capability of the land.

9.20 (c) If the county board approves the acquisition within the prescribed time, the
9.21 commissioner may acquire the land.

9.22 (d) If the county board disapproves the acquisition, it must state valid reasons.
9.23 The commissioner may not purchase or lease the land if the county board disapproves
9.24 the acquisition and states its reasons within the prescribed time period. The landowner
9.25 or the commissioner may appeal the disapproval to the district court having jurisdiction
9.26 where the land is located.

9.27 (e) The commissioner or the owner of the land may submit the proposed acquisition
9.28 to the Land Exchange Board if: (1) the county board does not give reason for disapproval,
9.29 or does not approve or disapprove the acquisition within the prescribed time period; or
9.30 (2) the court finds commissioner or owner of the land maintains that the disapproval is
9.31 arbitrary and capricious, ~~or~~ that the reasons stated for disapproval are invalid, or that the
9.32 acquisition is in the public interest.

9.33 (f) The Land Exchange Board must conduct a hearing and make a decision on
9.34 the acquisition within 60 days after receiving the proposal. The Land Exchange Board

10.1 must give notice of the hearing to the county board, the commissioner, the landowner,
10.2 and other interested parties. The Land Exchange Board must consider the interests of the
10.3 county, the state, and the landowner in determining whether the acquisition is in the public
10.4 interest. If a majority of the Land Exchange Board members approves the acquisition,
10.5 the commissioner may acquire the land. If a majority disapproves, the commissioner
10.6 may not purchase or lease the land.

10.7 Sec. 16. Minnesota Statutes 2008, section 97A.311, subdivision 5, is amended to read:

10.8 Subd. 5. **Refunds.** (a) The commissioner may issue a refund on a license, not
10.9 including any issuing fees paid under section 97A.485, subdivision 6, if the request is
10.10 received within 90 days of the original license purchase and:

10.11 (1) the licensee dies before the opening of the licensed season. The original license
10.12 and a copy of the death certificate must be provided to the commissioner;

10.13 (2) the licensee is unable to participate in the licensed activity because the licensee is
10.14 called to active military duty or military leave is canceled during the entire open season of
10.15 the licensed activity. The original license and a copy of the military orders or notice of
10.16 cancellation of leave must be provided to the commissioner; ~~or~~

10.17 (3) the licensee purchased two licenses for the same license season in error; or

10.18 (4) the licensee was not legally required to purchase the license to participate
10.19 in the activity.

10.20 (b) This subdivision does not apply to lifetime licenses.

10.21 Sec. 17. Minnesota Statutes 2008, section 97A.331, is amended by adding a
10.22 subdivision to read:

10.23 Subd. 4a. **Feeding or baiting deer.** A person who violates the wildlife feeding or
10.24 baiting restrictions under section 97B.118 or 97B.328 within three years of a previous
10.25 conviction under that section is guilty of a gross misdemeanor.

10.26 Sec. 18. Minnesota Statutes 2008, section 97A.331, is amended by adding a
10.27 subdivision to read:

10.28 Subd. 4b. **Hunting big game while under revocation.** Notwithstanding section
10.29 97A.421, subdivision 7, a person who takes big game during the time the person is
10.30 prohibited from obtaining a license to take big game under section 97A.421 is guilty
10.31 of a gross misdemeanor.

Sec. 19. Minnesota Statutes 2008, section 97A.420, is amended by adding a subdivision to read:

Subd. 1a. **Seizure of deer hunting license for feeding or baiting deer.** (a) An enforcement officer shall immediately seize the deer hunting licenses of a person who violates wildlife feeding or baiting restrictions under section 97B.118 or 97B.328.

(b) Except as provided in subdivisions 2 and 4, the person may not obtain any license to take deer, including a duplicate license, until an action is taken under subdivision 6.

(c) A person may not take deer until an action is taken under subdivision 6.

Sec. 20. Minnesota Statutes 2008, section 97A.420, subdivision 2, is amended to read:

Subd. 2. **Administrative review.** (a) At any time after the seizure of a license under subdivision 1 or 1a and before revocation under section 97A.421, a person may request in writing a review of the seizure under this section. Upon receiving the request for review, the commissioner shall review the seizure, the evidence upon which it was based, and other material information brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the seizure.

(b) Within 15 days after receiving the request for administrative review, the commissioner shall issue a written report of the review and shall order that the seizure be either sustained or rescinded.

(c) The review provided in this subdivision is not subject to the contested case provisions of the Administrative Procedure Act under chapter 14. The availability of administrative review does not preclude judicial review under this section.

Sec. 21. Minnesota Statutes 2008, section 97A.420, subdivision 3, is amended to read:

Subd. 3. **Judicial review.** (a) Within 30 days following the seizure of a license under subdivision 1 or 1a, a person may petition the court for review. The petition must be filed with the district court administrator in the county where the incident occurred, together with proof of service of a copy on the commissioner and the county attorney. A responsive pleading is not required of the commissioner of natural resources and court fees may not be charged for the appearance of the representative of the commissioner in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner as respondent. The petition must state specifically the grounds upon which the petitioner seeks rescission of the license seizure.

(c) The filing of the petition does not stay the license seizure. The judicial review shall be conducted according to the Rules of Civil Procedure.

12.1 Sec. 22. Minnesota Statutes 2008, section 97A.420, subdivision 4, is amended to read:

12.2 Subd. 4. **Hearing.** (a) A hearing under subdivision 3 must be before a district court
12.3 judge in the county where the incident occurred giving rise to the license seizure. The
12.4 hearing must be to the court and may be conducted at the same time as hearings upon
12.5 pretrial motions in a related criminal prosecution. The commissioner must be represented
12.6 by the county attorney.

12.7 (b) The hearing must be held at the earliest practicable date and in any event no later
12.8 than 60 days following the filing of the petition for review.

12.9 (c) The scope of the hearing must be limited to the issue of whether there is probable
12.10 cause to believe that:

12.11 (1) the person had unlawfully taken, possessed, or transported wild animals with a
12.12 restitution value over \$500 under subdivision 1; or

12.13 (2) the person violated the wildlife feeding or baiting restrictions under subdivision
12.14 1a.

12.15 (d) The court shall order that the license seizure be either sustained or rescinded.
12.16 Within 14 days following the hearing, the court shall forward a copy of the order to the
12.17 commissioner.

12.18 (e) Any party aggrieved by the decision of the reviewing court may appeal the
12.19 decision as provided in the Rules of Civil Appellate Procedure.

12.20 Sec. 23. Minnesota Statutes 2008, section 97A.420, subdivision 6, is amended to read:

12.21 Subd. 6. **Return or revocation of licenses upon dismissal or conviction.** (a) Upon
12.22 acquittal, dismissal, or determination not to charge a person for a violation, the license
12.23 seizure under subdivision 1 or 1a is immediately rescinded and any license seized in
12.24 connection with the incident must be returned to the licensee.

12.25 (b) Upon conviction of a violation when the restitution value of the wild animals
12.26 exceeds \$500, revocation of licenses and license privileges must be imposed as provided
12.27 under section 97A.421, subdivision 2a.

12.28 (c) Upon conviction for violation of the wildlife feeding or baiting restrictions
12.29 under section 97B.118 or 97B.328, revocation of licenses and license privileges must be
12.30 imposed as provided under section 97A.421, subdivision 3a.

12.31 Sec. 24. Minnesota Statutes 2008, section 97A.421, is amended by adding a
12.32 subdivision to read:

12.33 Subd. 3a. **Issuance of big game license after conviction for feeding or baiting.**

12.34 (a) A person who is convicted of violating the wildlife feeding or baiting restrictions under

13.1 section 97B.118 or 97B.328 may not obtain a deer hunting license or take deer under a
13.2 lifetime license for one year after the date of conviction.

13.3 (b) A person who is convicted of a second violation of section 97B.118 or 97B.328
13.4 within three years of a previous conviction under that section may not obtain any big game
13.5 license or take big game under a lifetime license for three years after the date of conviction.

13.6 Sec. 25. Minnesota Statutes 2008, section 97A.421, subdivision 4a, is amended to read:

13.7 Subd. 4a. **Suspension for failure to appear in court or pay a fine or surcharge.**

13.8 When a court reports to the commissioner that a person (1) has failed to appear in court
13.9 ~~under the summons issued~~ in response to a notice to appear or fails to comply with other
13.10 ~~orders of the court regarding the appearance or proceedings~~ for a violation of the game
13.11 and fish laws or (2) has been convicted of violating a provision of the game and fish
13.12 laws, has been sentenced to the payment of a fine or had a surcharge levied against them,
13.13 and refused or failed to comply with that sentence or to pay the fine or surcharge, the
13.14 commissioner shall suspend the game and fish license and permit privileges of the person
13.15 until notified by the court that the person has appeared in court under clause (1) or that any
13.16 fine or surcharge due the court has been paid under clause (2).

13.17 Sec. 26. Minnesota Statutes 2008, section 97A.433, is amended by adding a
13.18 subdivision to read:

13.19 Subd. 5. **Mandatory separate selection.** The commissioner must conduct
13.20 a separate selection for 20 percent of the elk licenses to be issued each year. Only
13.21 individuals who have applied at least ten times for an elk license and who have never
13.22 received a license are eligible for this separate selection.

13.23 Sec. 27. Minnesota Statutes 2008, section 97A.435, subdivision 1, is amended to read:

13.24 Subdivision 1. ~~Number of licenses to be issued~~ **License issuance.** The
13.25 commissioner shall include in ~~a rule setting the dates for a turkey season the number of~~
13.26 ~~licenses to be issued~~ rules setting turkey seasons the methods for issuing licenses for
13.27 those seasons.

13.28 Sec. 28. Minnesota Statutes 2009 Supplement, section 97A.445, subdivision 1a,
13.29 is amended to read:

13.30 Subd. 1a. **Angling in a state park.** (a) A resident may take fish by angling without
13.31 an angling license;

13.32 (1) when shore fishing or wading on state-owned land within a state park; or

14.1 (2) when angling from a boat or float, ~~this subdivision applies only to those or~~
14.2 through the ice on water bodies completely encompassed within the statutory boundary of
14.3 the state park.

14.4 (b) The exemption from an angling license does not apply to waters where a trout
14.5 stamp is required.

14.6 Sec. 29. Minnesota Statutes 2008, section 97A.445, subdivision 5, is amended to read:

14.7 Subd. 5. **Small game hunting; ~~Take a Kid Hunting Weekend.~~** (a) A resident over
14.8 age 18 may take small game by hunting without a license during one Saturday and Sunday
14.9 of the small game hunting season designated by rule of the commissioner if accompanied
14.10 by a child who is under age ~~16~~ 18. The commissioner shall publicize the Saturday and
14.11 Sunday as "Take a Kid Hunting Weekend." Notwithstanding section 97A.451, subdivision
14.12 3, a person under age 18 does not need a hunting license to take small game by hunting on
14.13 the weekend designated under this paragraph.

14.14 (b) Notwithstanding section 97A.451, subdivision 3a, a person under age 16 may
14.15 take waterfowl without a license when accompanied by a nonhunting adult age 18 or
14.16 over during youth waterfowl hunting days designated by rule of the commissioner in
14.17 accordance with federal law.

14.18 Sec. 30. Minnesota Statutes 2008, section 97A.451, subdivision 3, is amended to read:

14.19 Subd. 3. **Residents ~~under age 16, small game and nonresident hunting.~~** (a) ~~A~~
14.20 ~~resident under age 16 must obtain a small game license in order to take small game by~~
14.21 ~~firearms or bow and arrow without paying the applicable fees under section 97A.475,~~
14.22 ~~subdivisions 2, 4, and 5, if the resident is:~~

14.23 ~~(1) age 14 or 15 and possesses a firearms safety certificate;~~

14.24 ~~(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or~~
14.25 ~~guardian;~~

14.26 ~~(3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied~~
14.27 ~~by a parent or guardian who possesses a small game license that was not obtained using an~~
14.28 ~~apprentice hunter validation; or~~

14.29 ~~(4) age 12 or under and is accompanied by a parent or guardian~~ Except as otherwise
14.30 specifically provided by law, a person must obtain a license to hunt big game or small game
14.31 by firearms or bow and arrow and is eligible to obtain a license and use it for hunting if the
14.32 person was born on or before December 31, 1979, or, if born after December 31, 1979, is:

14.33 (1) 12 years of age or under and is accompanied by a parent or guardian;

15.1 (2) 13 years of age, possesses a hunter education firearms safety certificate, and
15.2 is accompanied by a parent or guardian;

15.3 (3) 14 years of age or over and possesses a hunter education firearms safety
15.4 certificate; or

15.5 (4) 13 years of age or over, possesses an apprentice hunter validation, and is
15.6 accompanied by an adult 18 years of age or over who is licensed to hunt in Minnesota and
15.7 whose license was not obtained using an apprentice hunter validation.

15.8 ~~(b) A resident under age 16 may take small game by trapping without a small game~~
15.9 ~~license, but a resident~~ 13 years of age or older must have a trapping license to take small
15.10 game by trapping. A resident under age 13 may trap without a trapping license, but may
15.11 not register fisher, otter, bobcat, or pine marten unless the resident is at least age five. Any
15.12 fisher, otter, bobcat, or pine marten taken by a resident under age five must be included in
15.13 the limit of the accompanying parent or guardian.

15.14 ~~(c) A resident under age 12 may apply for a turkey license and may take a turkey~~
15.15 ~~without a firearms safety certificate if the resident is accompanied by an adult parent or~~
15.16 ~~guardian who has a firearms safety certificate.~~

15.17 ~~(d) A resident under age 12 may apply for a prairie chicken license and may take a~~
15.18 ~~prairie chicken without a firearms safety certificate if the resident is accompanied by an~~
15.19 ~~adult parent or guardian who has a firearms safety certificate.~~

15.20 Sec. 31. Minnesota Statutes 2009 Supplement, section 97A.475, subdivision 2, is
15.21 amended to read:

15.22 Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents
15.23 only, are:

15.24 (1) for persons under age 18 to take small game, \$5;

15.25 (2) for persons age 18 or over and under age 65 to take small game, \$12.50;

15.26 ~~(2) (3)~~ for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

15.27 ~~(3) (4)~~ for persons age 18 or over to take turkey, \$23;

15.28 ~~(4) (5)~~ for persons under age 18 to take turkey, \$12 \$5;

15.29 ~~(5) (6)~~ for persons age 18 or over to take deer with firearms during the regular
15.30 firearms season, \$26;

15.31 ~~(6) (7)~~ for persons age 18 or over to take deer by archery, \$26;

15.32 ~~(7) (8)~~ for persons age 18 or over to take deer by muzzleloader during the
15.33 muzzleloader season, \$26;

15.34 ~~(8) (9)~~ to take moose, for a party of not more than six persons, \$310;

15.35 ~~(9) (10)~~ to take bear, \$38;

16.1 ~~(10)~~ (11) to take elk, for a party of not more than two persons, \$250;
16.2 ~~(11)~~ (12) to take Canada geese during a special season, \$4;
16.3 ~~(12)~~ (13) to take prairie chickens, \$20;
16.4 ~~(13)~~ (14) for persons under age 18 to take deer with firearms during the regular
16.5 firearms season, ~~\$13~~ \$5;
16.6 ~~(14)~~ (15) for persons under age 18 to take deer by archery, ~~\$13~~ \$5; and
16.7 ~~(15)~~ (16) for persons under age 18 to take deer by muzzleloader during the
16.8 muzzleloader season, ~~\$13~~ \$5.

16.9 Sec. 32. Minnesota Statutes 2009 Supplement, section 97A.475, subdivision 3, is
16.10 amended to read:

16.11 Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued
16.12 to nonresidents, are:

16.13 (1) for persons under age 18 to take small game, \$5;
16.14 (2) for persons age 18 or over to take small game, \$73;
16.15 ~~(2)~~ (3) for persons age 18 or over to take deer with firearms during the regular
16.16 firearms season, \$135;
16.17 ~~(3)~~ (4) for persons age 18 or over to take deer by archery, \$135;
16.18 ~~(4)~~ (5) for persons age 18 or over to take deer by muzzleloader during the
16.19 muzzleloader season, \$135;
16.20 ~~(5)~~ (6) to take bear, \$195;
16.21 ~~(6)~~ (7) for persons age 18 ~~and older~~ or over to take turkey, \$78;
16.22 ~~(7)~~ (8) for persons under age 18 to take turkey, ~~\$12~~ \$5;
16.23 ~~(8)~~ (9) to take raccoon or bobcat, \$155;
16.24 ~~(9)~~ (10) to take Canada geese during a special season, \$4;
16.25 ~~(10)~~ (11) for persons under age 18 to take deer with firearms during the regular
16.26 firearms season in any open season option or time period, \$13;
16.27 ~~(11)~~ (12) for persons under age 18 to take deer by archery, \$13; and
16.28 ~~(12)~~ (13) for persons under age 18 to take deer during the muzzleloader season,
16.29 ~~\$13~~ \$5.

16.30 (b) A \$5 surcharge shall be added to nonresident hunting licenses issued under
16.31 paragraph (a), clauses ~~(1)~~ (2) to ~~(8)~~ (9). An additional commission may not be assessed
16.32 on this surcharge.

16.33 Sec. 33. Minnesota Statutes 2008, section 97A.475, subdivision 3a, is amended to read:

17.1 Subd. 3a. **Deer license surcharge.** A person may agree to add a donation of \$1, \$3,
17.2 or \$5 to the fees for annual resident and nonresident licenses to take deer by firearms or
17.3 archery established under subdivisions 2, clauses ~~(5)~~, (6), (7), ~~(11)~~, and ~~(13)~~ (8), and 3,
17.4 clauses ~~(2)~~, (3), (4), (5), and ~~(9)~~ (10). Beginning March 1, 2008, fees for bonus licenses to
17.5 take deer by firearms or archery established under section 97B.301, subdivision 4, must be
17.6 increased by a surcharge of \$1. An additional commission may not be assessed on the
17.7 donation or surcharge and the following statement must be included in the annual deer
17.8 hunting regulations: "The deer license donations and surcharges are being paid by hunters
17.9 for deer management, including assisting with the costs of processing deer donated for
17.10 charitable purposes."

17.11 Sec. 34. Minnesota Statutes 2008, section 97A.475, subdivision 4, is amended to read:

17.12 Subd. 4. **Small game surcharge.** Fees for annual licenses to take small game must
17.13 be increased by a surcharge of \$6.50. An additional commission may not be assessed on
17.14 the surcharge and the following statement must be included in the annual small game
17.15 hunting regulations: "This \$6.50 surcharge is being paid by hunters for the acquisition and
17.16 development of wildlife lands." Small game licenses issued to individuals under age 18
17.17 are exempt from this surcharge.

17.18 Sec. 35. Minnesota Statutes 2008, section 97A.475, subdivision 43, is amended to read:

17.19 Subd. 43. **Duplicate licenses.** The fees for duplicate licenses are:

- 17.20 (1) for licenses to take big game, \$5; ~~and~~
17.21 (2) for a license issued to a person under age 18, \$1; and
17.22 (3) for other licenses, \$2.

17.23 Sec. 36. Minnesota Statutes 2008, section 97A.475, subdivision 44, is amended to read:

17.24 Subd. 44. **Replacement licenses.** (a) The fee for a replacement firearms deer
17.25 license is \$5.

17.26 (b) The fee for a replacement firearms deer license issued to a person under age
17.27 18 is \$1.

17.28 Sec. 37. Minnesota Statutes 2008, section 97A.535, subdivision 2a, is amended to read:

17.29 Subd. 2a. **Quartering of deer allowed.** A deer that has been tagged as required in
17.30 subdivision 1 may be quartered at the site of the kill. The animal's head or genitalia must
17.31 remain attached to one of the quarters. For antlered deer, the animal's head must remain

18.1 attached to one of the quarters. The quarters must be presented together for registration
18.2 under subdivision 2 and must remain together until the deer is processed for storage.

18.3 Sec. 38. Minnesota Statutes 2008, section 97A.545, subdivision 5, is amended to read:

18.4 Subd. 5. **Birds must be in undressed condition; exceptions.** (a) Except as
18.5 provided in paragraph (b), a person may ship or otherwise transport game birds in an
18.6 undressed condition only.

18.7 (b) Paragraph (a) does not apply if the birds being shipped or otherwise transported:

18.8 (1) were taken on a shooting preserve and are marked or identified in accordance
18.9 with section 97A.121, subdivision 5;

18.10 (2) were taken, dressed, and lawfully shipped or otherwise transported in another
18.11 state; ~~or~~

18.12 (3) are migratory game birds that were lawfully tagged and packed by a federally
18.13 permitted migratory bird preservation facility; or

18.14 (4) are doves shipped or transported in accordance with federal law.

18.15 Sec. 39. Minnesota Statutes 2008, section 97B.015, is amended to read:

18.16 **97B.015 HUNTER EDUCATION FIREARMS SAFETY AND WILDLIFE**
18.17 **IDENTIFICATION COURSE.**

18.18 Subdivision 1. **Establishment.** The commissioner shall establish a statewide course
18.19 in the safe use of firearms and identification of wild mammals and birds. A course may
18.20 be held in a school district. The courses must be conducted by the commissioner in
18.21 cooperation with other organizations. The courses must instruct youths in commonly
18.22 accepted principles of safety in hunting and handling common hunting firearms and
18.23 identification of various species of wild mammals and birds by sight and other unique
18.24 characteristics.

18.25 Subd. 2. **Administration, supervision, and enforcement.** (a) The commissioner
18.26 shall appoint a qualified person from the Enforcement Division under civil service
18.27 rules as supervisor of hunting safety and prescribe the duties and responsibilities of the
18.28 position. The commissioner shall determine and provide the Enforcement Division with
18.29 the necessary personnel for this section.

18.30 (b) The Enforcement Division may appoint instructors necessary for this section.
18.31 Instructors shall serve on a voluntary basis without compensation. The Enforcement
18.32 Division must supply the materials necessary for the course. School districts may
18.33 cooperate with the commissioner and volunteer instructors to provide space for the
18.34 classroom portion of the training.

19.1 Subd. 3. **Liability insurance.** The commissioner shall obtain insurance to cover
19.2 all liability incurred by the county directors and instructors for bodily injury, death, and
19.3 property damage in the performance of their duties under this section.

19.4 Subd. 4. **Student fee.** To defray the expense of the course, the Enforcement
19.5 Division shall collect a fee from each person that takes the hunter education firearm safety
19.6 course. The commissioner shall establish a fee that neither significantly overrecovers nor
19.7 underrecovers costs, including overhead costs, involved in providing the services. The
19.8 fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not
19.9 apply. The fees shall be deposited in the game and fish fund and the amount thereof
19.10 is appropriated annually to the Enforcement Division of the Department of Natural
19.11 Resources for the administration of the program. In addition to the fee established by
19.12 the commissioner, instructors may charge each person up to the established fee amount
19.13 for class materials and expenses.

19.14 Subd. 5. **Hunter education firearms safety certificate.** The commissioner shall
19.15 issue a hunter education firearms safety certificate to a person that satisfactorily completes
19.16 the required course of instruction. A person must be at least age 11 to take the hunter
19.17 education firearms safety course ~~and may receive a firearms safety certificate, but the~~
19.18 ~~certificate is not valid for hunting until the year the person reaches age 12. A person who~~
19.19 ~~is age 11 and has a firearms safety certificate may purchase a license to take big game that~~
19.20 ~~will be valid for hunting during the entire regular season for which the license is valid if~~
19.21 ~~the person will reach age 12 during that calendar year. A firearms safety certificate issued~~
19.22 ~~to a person under age 12 by another state as provided in section 97B.020 is not valid for~~
19.23 ~~hunting in Minnesota until the person reaches age 12.~~ The form and content of the hunter
19.24 education firearms safety certificate shall be prescribed by the commissioner.

19.25 Subd. 5a. **Exemption for military personnel.** Notwithstanding subdivision 5, a
19.26 person who has successfully completed basic training in the United States armed forces is
19.27 exempt from the range and shooting exercise portion of the required course of instruction
19.28 for the hunter education firearms safety certificate. The commissioner may require written
19.29 proof of the person's military training, as deemed appropriate for implementing this
19.30 subdivision. The commissioner shall publicly announce this exemption from the range
19.31 and shooting exercise requirement and the availability of the department's online, remote
19.32 study option for adults seeking hunter education firearms safety certification. Military
19.33 personnel are not exempt from any other requirement of this section for obtaining a hunter
19.34 education firearms safety certificate.

19.35 Subd. 6. **Provisional certificate for persons with developmental disability.** Upon
19.36 the recommendation of a course instructor, the commissioner may issue a provisional

hunter education firearms safety certificate to a person who satisfactorily completes the classroom portion of the hunter education firearms safety course but is unable to pass the written or an alternate format exam portion of the course because of developmental disability as defined in section 97B.1055, subdivision 1. The certificate is valid only when used according to section 97B.1055.

Subd. 7. **Fee for duplicate certificate.** The commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing a duplicate hunter education firearms safety certificate. The commissioner shall establish a fee that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the service. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner may establish the fee notwithstanding section 16A.1283. The duplicate certificate fees, except for the issuing fee for licensing agents under this subdivision, shall be deposited in the game and fish fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, and issuing fees collected by the commissioner, are appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the hunter education firearm safety course program.

Sec. 40. Minnesota Statutes 2008, section 97B.020, is amended to read:

97B.020 HUNTER EDUCATION FIREARMS SAFETY CERTIFICATE REQUIRED.

(a) Except as provided in this section and section 97A.451, subdivision 3a, a person age 13 or over born after December 31, 1979, may not obtain an annual license to take wild animals by firearms unless the person has:

- (1) a hunter education firearms safety certificate or equivalent certificate;
- (2) a driver's license or identification card with a valid hunter education firearms safety qualification indicator issued under section 171.07, subdivision 13;
- (3) a previous hunting license with a valid hunter education firearms safety qualification indicator;
- (4) an apprentice hunter validation issued under section 97B.022; or
- (5) other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement or certified by the department as substantially similar.

(b) A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or National Guard may obtain a

21.1 hunting license or approval authorizing hunting regardless of whether the person is issued
21.2 a hunter education firearms safety certificate.

21.3 (c) A person age 13 or over born after December 31, 1979, may not use a lifetime
21.4 license to take wild animals by firearms, unless the person meets the requirements for
21.5 obtaining an annual license under paragraph (a) or (b).

21.6 Sec. 41. Minnesota Statutes 2008, section 97B.021, subdivision 1, is amended to read:

21.7 Subdivision 1. **Restrictions.** (a) Except as provided in this subdivision, a person
21.8 under the age of 16 may not possess a firearm, unless accompanied by a parent or guardian.

21.9 (b) A person under age 16 may possess a firearm without being accompanied by a
21.10 parent or guardian:

21.11 (1) on land owned by, or occupied as the principal residence of, the person or the
21.12 person's parent or guardian;

21.13 (2) while participating in an organized target shooting program with adult
21.14 supervision;

21.15 (3) while the person is participating in a hunter education firearms safety program
21.16 or traveling to and from class; or

21.17 (4) if the person is age 14 or 15 and has a hunter education firearms safety certificate.

21.18 (c) A person age 13, 14, or 15 hunting with an apprentice hunter validation may
21.19 possess a firearm if accompanied by a parent or guardian age 18 or over who is licensed
21.20 to hunt in Minnesota and whose license was not obtained using an apprentice hunter
21.21 validation.

21.22 Sec. 42. **[97B.0215] PARENT OR GUARDIAN RESPONSIBILITY; VIOLATION.**

21.23 A parent or guardian may not knowingly direct, allow, or permit a person under the
21.24 age of 18 to hunt without the required license, permit, training, or certification, or in
21.25 violation of the game and fish laws.

21.26 Sec. 43. Minnesota Statutes 2008, section 97B.022, subdivision 2, is amended to read:

21.27 Subd. 2. **Apprentice hunter validation requirements.** A resident born after
21.28 December 31, 1979, who is age ~~12~~ 13 or ~~older~~ over and ~~who~~ a nonresident who is age 13
21.29 to 17, and the resident or nonresident does not possess a hunter education firearms safety
21.30 certificate may be issued an apprentice hunter validation. An apprentice hunter validation
21.31 is valid for only ~~one~~ two license ~~year~~ years in a lifetime. An individual in possession of
21.32 an apprentice hunter validation may hunt small game ~~and~~ and deer, and bear only when
21.33 accompanied by an adult licensed to hunt in Minnesota whose license was not obtained

22.1 using an apprentice hunter validation. An apprentice hunter validation holder must obtain
22.2 all required licenses and stamps.

22.3 Sec. 44. Minnesota Statutes 2008, section 97B.031, subdivision 5, is amended to read:

22.4 Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law
22.5 to the contrary, the commissioner may issue a special permit, without a fee, to use a
22.6 muzzleloader with a scope to take deer during the muzzleloader season to a person who
22.7 obtains the required licenses and who has a visual impairment. The scope may not have
22.8 magnification capabilities.

22.9 (b) The visual impairment must be to the extent that the applicant is unable to
22.10 identify targets and the rifle sights at the same time without a scope. The visual impairment
22.11 and specific conditions must be established by medical evidence verified in writing by
22.12 (1) a licensed physician; or a certified nurse practitioner or certified physician assistant
22.13 acting under the direction of a licensed physician; (2) a licensed ophthalmologist; or (3)
22.14 a licensed optometrist. The commissioner may request additional information from the
22.15 physician if needed to verify the applicant's eligibility for the permit.

22.16 (c) A permit issued under this subdivision may be valid for up to five years, based
22.17 on the permanence of the visual impairment as determined by the licensed physician,
22.18 ophthalmologist, or optometrist.

22.19 (d) The permit must be in the immediate possession of the permittee when hunting
22.20 under the special permit.

22.21 (e) The commissioner may deny, modify, suspend, or revoke a permit issued under
22.22 this subdivision for cause, including a violation of the game and fish laws or rules.

22.23 (f) A person who knowingly makes a false application or assists another in making
22.24 a false application for a permit under this subdivision is guilty of a misdemeanor. A
22.25 physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or
22.26 optometrist who fraudulently certifies to the commissioner that a person is visually
22.27 impaired as described in this subdivision is guilty of a misdemeanor.

22.28 Sec. 45. Minnesota Statutes 2008, section 97B.045, is amended by adding a
22.29 subdivision to read:

22.30 Subd. 4. **Exception for livestock producers taking predators.** The restrictions
22.31 in subdivision 1 do not apply to a livestock producer or producer's employee while
22.32 taking unprotected wild animals or predatory domestic dogs on the person's farm when
22.33 experiencing predatory loss of livestock from wild animal or domestic dog predation.

Sec. 46. Minnesota Statutes 2009 Supplement, section 97B.055, subdivision 3, is amended to read:

Subd. 3. **Hunting from vehicle by disabled hunters.** (a) The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a person who obtains the required licenses and who has a permanent physical disability that is more substantial than discomfort from walking. The permit recipient must be:

(1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or other mechanical support or prosthetic device; or

(2) unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing.

(b) The permanent physical disability must be established by medical evidence verified in writing by a licensed physician ~~or~~ chiropractor, or certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician. The commissioner may request additional information from the physician or chiropractor if needed to verify the applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner may, in consultation with appropriate advocacy groups, establish reasonable minimum standards for permits to be issued under this section. In addition to providing the medical evidence of a permanent disability, the applicant must possess a valid disability parking certificate authorized by section 169.345 or license plates issued under section 168.021.

(c) A person issued a special permit under this subdivision and hunting deer may take a deer of either sex, except in those antlerless permit areas and seasons where no antlerless permits are offered. This subdivision does not authorize another member of a party to take an antlerless deer under section 97B.301, subdivision 3.

(d) A permit issued under this subdivision is valid for five years.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this section for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this section is guilty of a misdemeanor. A physician, certified nurse practitioner, certified physician assistant, or chiropractor who fraudulently certifies to the commissioner that a person is permanently disabled as described in this section is guilty of a misdemeanor.

(g) Notwithstanding paragraph (d), the commissioner may issue a permit valid for the entire life of the applicant if the commissioner determines that there is no chance

24.1 that an applicant will become ineligible for a permit under this section and the applicant
24.2 requests a lifetime permit.

24.3 Sec. 47. Minnesota Statutes 2008, section 97B.075, is amended to read:

24.4 **97B.075 HUNTING RESTRICTED BETWEEN EVENING AND MORNING.**

24.5 (a) A person may not take protected wild animals, except raccoon and fox, with
24.6 a firearm between the evening and morning times established by commissioner's rule,
24.7 except as provided in this section.

24.8 (b) Big game may be taken from one-half hour before sunrise until one-half hour
24.9 after sunset.

24.10 (c) Except as otherwise prescribed by the commissioner on or before the Saturday
24.11 nearest October 8, waterfowl may be taken from one-half hour before sunrise until sunset
24.12 during the entire season prescribed by the commissioner. On the opening day of the
24.13 duck season, shooting hours for migratory game birds, except woodcock and doves,
24.14 begin at 9:00 a.m.

24.15 Sec. 48. Minnesota Statutes 2008, section 97B.106, subdivision 1, is amended to read:

24.16 Subdivision 1. **Qualifications for crossbow permits.** (a) The commissioner may
24.17 issue a special permit, without a fee, to take big game, small game, or rough fish with a
24.18 crossbow to a person that is unable to hunt or take rough fish by archery because of a
24.19 permanent or temporary physical disability. A crossbow permit issued under this section
24.20 also allows the permittee to use a bow with a mechanical device that draws, releases, or
24.21 holds the bow at full draw as provided in section 97B.035, subdivision 1, paragraph (a).

24.22 (b) To qualify for a crossbow permit under this section, a temporary disability
24.23 must render the person unable to hunt or fish by archery for a minimum of two years
24.24 after application for the permit is made. The permanent or temporary disability must
24.25 be established by medical evidence, and the inability to hunt or fish by archery for the
24.26 required period of time must be verified in writing by (1) a licensed physician or a certified
24.27 nurse practitioner or certified physician assistant acting under the direction of a licensed
24.28 physician; or (2) a licensed chiropractor. A person who has received a special permit
24.29 under this section because of a permanent disability is eligible for subsequent special
24.30 permits without providing medical evidence and verification of the disability.

24.31 (c) The person must obtain the appropriate license.

24.32 Sec. 49. **[97B.118] WILDLIFE FEEDING; RESTRICTIONS BEFORE AND**
24.33 **DURING OPEN DEER SEASONS.**

25.1 Subdivision 1. **Time period; restrictions.** (a) From September 1 to December
25.2 31, a person may not place feed for the purpose of attracting or feeding wildlife within
25.3 an area where deer may be taken by firearm or archery during the open seasons under
25.4 applicable laws and ordinances.

25.5 (b) Feed includes grains, fruits, vegetables, nuts, hay, prepared wildlife food
25.6 products, or other food that is capable of attracting wildlife, but does not include:

25.7 (1) liquid scents, salt, and minerals;

25.8 (2) bait placed by a licensed trapper for taking fur-bearing animals;

25.9 (3) bait placed by a licensed bear hunter or licensed bear hunting outfitter at a
25.10 registered bear bait station under section 97B.425; or

25.11 (4) food placed in a bird feeder within 50 feet of a building for the purpose of
25.12 feeding birds other than game birds.

25.13 Subd. 2. **Agricultural and livestock exception.** The prohibition in subdivision 1
25.14 does not apply to feed placed for agricultural or livestock purposes if the feed is stored
25.15 consistent with normal agricultural practices.

25.16 Subd. 3. **Removal of feed; additional violation.** (a) In addition to any other
25.17 penalties imposed, a person charged with a violation of this section shall immediately
25.18 remove any remaining feed.

25.19 (b) Failure to comply with this subdivision is a separate violation, in addition to
25.20 violation of subdivision 1.

25.21 Sec. 50. Minnesota Statutes 2008, section 97B.301, subdivision 3, is amended to read:

25.22 Subd. 3. **Party hunting.** If two or more persons with licenses to take deer by
25.23 firearms, or two or more persons with licenses to take deer by archery, are hunting as a
25.24 party, a member of the party may take more than one deer, but the total number of deer
25.25 taken by the party may not exceed the number of persons licensed to take deer in the
25.26 party. For a deer license issued to a person under age 18, only the person to whom the
25.27 license is issued may take and tag a deer under that license.

25.28 Sec. 51. Minnesota Statutes 2008, section 97B.301, subdivision 6, is amended to read:

25.29 Subd. 6. **Residents or nonresidents under age 18 may take deer of either sex.** A
25.30 resident or nonresident under the age of 18 may take a deer of either sex except in those
25.31 antlerless permit areas and seasons where no antlerless permits are offered. In antlerless
25.32 permit areas where no antlerless permits are offered, the commissioner may provide
25.33 a limited number of youth either sex permits to residents or nonresidents under age 18,
25.34 under the procedures provided in section 97B.305, and may give preference to residents or

26.1 nonresidents under the age of 18 that have not previously been selected. This subdivision
26.2 does not authorize the taking of ~~an antlerless deer~~ on the youth hunter's license by another
26.3 member of a party ~~under subdivision 3.~~

26.4 Sec. 52. Minnesota Statutes 2008, section 97B.325, is amended to read:

26.5 **97B.325 DEER BIG GAME STAND RESTRICTIONS.**

26.6 A person may not take ~~deer~~ big game from a constructed platform or other structure
26.7 that is located within the right-of-way of an improved public highway or is higher than 16
26.8 feet above the ground. The height restriction does not apply to a portable stand that is
26.9 chained, belted, clamped, or tied with rope.

26.10 Sec. 53. Minnesota Statutes 2008, section 97B.405, is amended to read:

26.11 **97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.**

26.12 ~~(a)~~ The commissioner may limit the number of persons that may hunt bear in an
26.13 area, if it is necessary to prevent an overharvest or improve the distribution of hunters.
26.14 The commissioner may establish, by rule, a method, including a drawing, to impartially
26.15 select the hunters for an area. The commissioner shall give preference to hunters that have
26.16 previously applied and have not been selected.

26.17 ~~(b) In the case of a drawing, the commissioner shall allow a person to apply for a~~
26.18 ~~permit in more than one area at the same time and rank the person's choice of area.~~

26.19 Sec. 54. Minnesota Statutes 2008, section 97B.515, is amended by adding a
26.20 subdivision to read:

26.21 Subd. 4. **Taking elk causing damage or nuisance.** The commissioner may
26.22 authorize the taking of elk that are causing damage or nuisance by licensed hunters from
26.23 September 1 to March 1 under rules prescribed by the commissioner. The commissioner
26.24 may select and issue licenses to hunters from lists of license applicants based on their
26.25 interest, proximity, and availability to quickly respond to the damage or nuisance situation.
26.26 A person receiving a license to hunt elk under this subdivision is not subject to the
26.27 requirements of section 97A.433, subdivision 2, clause (2), and does not lose eligibility
26.28 for future elk hunts.

26.29 Sec. 55. Minnesota Statutes 2008, section 97B.601, subdivision 4, is amended to read:

26.30 Subd. 4. **Exception to license requirements.** (a) ~~A resident under age 16 may take~~
26.31 ~~small game without a small game license, and a resident under age 13 may trap without a~~
26.32 ~~trapping license, as provided in section 97A.451, subdivision 3.~~

(b) A person may take small game without a small game license on land occupied by the person as a principal residence.

(c) An owner or occupant may take certain small game causing damage without a small game or trapping license as provided in section 97B.655.

(d) A person may use dogs to pursue and tree raccoons under section 97B.621, subdivision 2, during the closed season without a license.

(e) A person may take a turkey or a prairie chicken without a small game license.

(f) A person participating in "Take a Kid Hunting Weekend" may take small game without a license as provided in section 97A.445, subdivision 5.

(g) A person under age 16 may take waterfowl without a small game license on youth waterfowl days as provided in section 97A.445, subdivision 5.

(h) Certain military personnel or discharged veterans may take small game without a license as provided in section 97A.465.

Sec. 56. Minnesota Statutes 2008, section 97B.711, is amended by adding a subdivision to read:

Subd. 4. **Shooting grouse prohibited near motor vehicle.** A person in the vicinity of a motor vehicle may not discharge a firearm or an arrow from a bow at a grouse, or at a decoy of a grouse placed by an enforcement officer, unless the person is at least 20 yards from the vehicle and the vehicle's engine is shut off. This subdivision does not apply to a person with a disability permit issued under section 97B.055, subdivision 3.

Sec. 57. Minnesota Statutes 2008, section 97B.803, is amended to read:

97B.803 MIGRATORY WATERFOWL SEASONS AND LIMITS.

~~(a)~~ The commissioner shall prescribe seasons, limits, and areas for taking migratory waterfowl in accordance with federal law.

~~(b) The regular duck season may not open before the Saturday closest to October 1.~~

Sec. 58. Minnesota Statutes 2008, section 97C.005, subdivision 3, is amended to read:

Subd. 3. **Seasons, limits, and other rules.** The commissioner may, in accordance with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on special management waters. The commissioner may, by written order published in the State Register, amend daily, possession, or size limits to make midseason adjustments that are necessary based on available harvest, angling pressure, and population data to manage the fisheries in the 1837 Ceded Territory in compliance with the court orders in Mille Lacs

28.1 Band of Chippewa v. Minnesota, 119 S. Ct. 1187 (1999). The midseason adjustments in
28.2 daily, possession, or size limits are not subject to the rulemaking provisions of chapter 14
28.3 and section 14.386 does not apply. Before the written order is effected, the commissioner
28.4 shall attempt to notify persons or groups of persons affected by the written order by public
28.5 announcement, posting, and other appropriate means as determined by the commissioner.

28.6 Sec. 59. Minnesota Statutes 2008, section 97C.087, subdivision 2, is amended to read:

28.7 Subd. 2. **Application for tag.** Application for special fish management tags must
28.8 be accompanied by a \$5, nonrefundable application fee for each tag. A person may not
28.9 make more than one tag application each calendar year. If a person makes more than one
28.10 application, the person is ineligible for a special fish management tag for that ~~season~~
28.11 calendar year after determination by the commissioner, without a hearing.

28.12 Sec. 60. Minnesota Statutes 2008, section 97C.205, is amended to read:

28.13 **97C.205 TRANSPORTING AND STOCKING FISH.**

28.14 (a) Except on the water body where taken, a person may not transport a live fish in a
28.15 quantity of water sufficient to keep the fish alive, unless the fish:

28.16 (1) is being transported under an aquaculture license as authorized under sections
28.17 17.4985 and 17.4986;

28.18 (2) is being transported for a fishing contest weigh-in under section 97C.081;

28.19 (3) is a minnow being transported under section 97C.505 or 97C.515;

28.20 (4) is being transported by a commercial fishing license holder under section
28.21 97C.821; or

28.22 (5) is being transported as otherwise authorized in this section or as prescribed for
28.23 certifiable diseases under sections 17.46 to 17.4999.

28.24 (b) The commissioner may adopt rules to allow and regulate:

28.25 (1) the transportation of fish and fish eggs; and

28.26 (2) the stocking of waters with fish or fish eggs.

28.27 (c) The commissioner must allow the possession of fish on special management or
28.28 experimental waters to be prepared as a meal on the ice or on the shore of that water
28.29 body if the fish:

28.30 (1) were lawfully taken;

28.31 (2) have been packaged by a licensed fish packer; and

28.32 (3) do not otherwise exceed the statewide possession limits.

28.33 (d) The commissioner shall prescribe rules designed to encourage local sporting
28.34 organizations to propagate game fish by using rearing ponds. The rules must:

- 29.1 (1) prescribe methods to acquire brood stock for the ponds by seining public waters;
- 29.2 (2) allow the sporting organizations to own and use seines and other necessary
- 29.3 equipment; and
- 29.4 (3) prescribe methods for stocking the fish in public waters that give priority to the
- 29.5 needs of the community where the fish are reared and the desires of the organization
- 29.6 operating the rearing pond.
- 29.7 (e) A person age 16 or under may, for purposes of display in a home aquarium,
- 29.8 transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie, white
- 29.9 crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black, yellow,
- 29.10 and brown bullheads taken by angling, except as otherwise ordered by the commissioner
- 29.11 upon documentation of an emergency fish disease in Minnesota waters, as defined in
- 29.12 section 17.4982, subdivision 9. No more than four of each species may be transported at
- 29.13 any one time, and any individual fish can be no longer than ten inches in total length. The
- 29.14 commissioner may, by written order published in the State Register, prohibit transportation
- 29.15 of live fish under this paragraph to help prevent spread of an emergency fish disease
- 29.16 documented to occur in Minnesota waters. The order is exempt from the rulemaking
- 29.17 provisions of chapter 14 and section 14.386 does not apply.

29.18 Sec. 61. Minnesota Statutes 2008, section 97C.341, is amended to read:

29.19 **97C.341 CERTAIN AQUATIC LIFE PROHIBITED FOR BAIT.**

29.20 (a) A person may not use live minnows imported from outside of the state, game

29.21 fish, goldfish, or carp for bait. The commissioner may authorize use of game fish eggs as

29.22 bait and prescribe restrictions on their use.

29.23 (b) A person may not import or possess live, frozen, or processed bait from known

29.24 waters where viral hemorrhagic septicemia has been identified as being present. For

29.25 purposes of this paragraph, "bait" includes fish, aquatic worms, amphibians, invertebrates,

29.26 and insects used for ~~angling~~ taking wild animals.

29.27 Sec. 62. **ZONE 3 DEER SEASON AND RESTRICTIONS; 2010.**

29.28 For the 2010 deer season, notwithstanding rules of the commissioner of natural

29.29 resources under Minnesota Statutes, section 97B.311, paragraph (a), the commissioner

29.30 shall allow a nine-day early A season in Zone 3 beginning the Saturday nearest November

29.31 6 and a nine-day late B season in Zone 3 beginning the Saturday nearest November 20.

29.32 During the last two days of the 2010 early A season in Zone 3, a person may not take

29.33 antlered deer unless the deer has at least four points on one side, or the person has taken

29.34 an antlerless deer prior to taking the antlered deer. Party hunting for antlered deer under

30.1 Minnesota Statutes, section 97B.301, subdivision 3, is not allowed in the last two days of
30.2 the 2010 early A season in Zone 3. Zone 3 is defined in Minnesota Rules, part 6232.1400,
30.3 subpart 3. The penalty provisions under Minnesota Statutes, section 97A.301, apply
30.4 to specific restrictions under this section.

30.5 Sec. 63. **REPEALER.**

30.6 Minnesota Statutes 2008, sections 84.942, subdivisions 2, 3, and 4; 97A.435,
30.7 subdivision 5; 97A.451, subdivisions 3a and 4; 97A.485, subdivision 12; 97B.022,
30.8 subdivision 1; 97B.511; and 97B.515, subdivision 3, are repealed.

84.942 FISH AND WILDLIFE RESOURCES MANAGEMENT PLAN.

Subd. 2. **Strategic plan.** The strategic plan must be updated every six years and include:

- (1) an issues analysis describing major fish and wildlife management problems;
- (2) a description of strategies to address management problems; and
- (3) an assessment of the need for additional fish and wildlife research facilities.

Subd. 3. **Long-range plan.** The long-range plan must be updated every six years and include:

- (1) an assessment of historical, present, and projected demand for fish and wildlife resources;
- (2) an assessment of the capability of fish and wildlife resources to meet present and future demand;
- (3) development of a database capable of continuous updating and usable as a resource management tool; and
- (4) a statement of major goals, objectives, and policies to address fish and wildlife resource management issues.

Subd. 4. **Operational plan.** The operational plan must be reviewed and updated every two years. The operational plan must include the following:

- (1) a description of specific actions needed to address resource management issues;
- (2) an estimate of the expenditures necessary to implement the management actions and a description of the sources and amounts of revenue available;
- (3) a procedure to review expenditures and evaluate the effectiveness of the management program; and
- (4) recommendations for additional actions necessary to meet fish and wildlife management needs.

97A.435 TURKEY LICENSES; APPLICATION AND ELIGIBILITY.

Subd. 5. **Spring season.** (a) A person who has not applied for a turkey license through the lottery or applied for a license and was unsuccessful in the lottery, may purchase a turkey hunting license to hunt by archery for the spring turkey season during a combined seventh and eighth time period. A turkey hunting license under this subdivision is separate from the normal lottery process and is effective for hunting only in a wild turkey permit area in the state where 50 or more licenses are issued during an established time period.

(b) Turkey lottery preference points shall not be reduced for a person purchasing a license under this subdivision.

(c) A person may take only one bearded turkey in a spring turkey season regardless of whether the hunter purchased a license through the lottery system or as provided in this subdivision.

97A.451 LICENSE REQUIREMENTS AND EXEMPTIONS RELATING TO AGE.

Subd. 3a. **Nonresidents under age 18; small game.** (a) A nonresident under age 18 may obtain a small game license at the resident fee under section 97A.475, subdivision 2, clause (2), if the nonresident:

- (1) possesses a firearms safety certificate; or
- (2) if age 13 or under, is accompanied by a parent or guardian when purchasing the license.

(b) A nonresident age 13 or under must be accompanied by a parent or guardian to take small game. A nonresident age 12 or under is not required to possess a firearms safety certificate under section 97B.020 to take small game.

Subd. 4. **Persons under age 16; big game.** (a) A person age 12, 13, 14, or 15 may not obtain a license to take big game unless the person possesses a firearms safety certificate. A person age 12 or 13 must be accompanied by a parent or guardian to hunt big game.

(b) A person age 10 or 11 may take big game provided the person is under the direct supervision of a parent or guardian where the parent or guardian is within immediate reach. Until March 1, 2009, a person age 10 or 11 may take big game under a parent or guardian's license. Beginning March 1, 2009, a person age 10 or 11 must obtain a license in order to take big game and may obtain the license without paying the fee required under section 97A.475, subdivision 2.

97A.485 ISSUANCE OF LICENSES.

APPENDIX

Repealed Minnesota Statutes: s2900-1

Subd. 12. **Youth deer license.** The commissioner may, for a fee of \$5.50, issue to a resident under the age of 16 a license, without a tag, to take deer with firearms. A youth holding a license issued under this subdivision may hunt under the license only if accompanied by a licensed hunter who is at least 18 years of age and possesses a valid tag. A deer taken by a youth holding a license issued under this subdivision must be promptly tagged by the licensed hunter accompanying the youth. Section 97B.301, subdivision 6, does not apply to a youth holding a license issued under this subdivision.

97B.022 APPRENTICE HUNTER VALIDATION.

Subdivision 1. **Definition.** For the purpose of this section, "accompanied" means to stay within a distance of another person that permits uninterrupted visual contact and unaided verbal communication.

97B.511 MOOSE STAND RESTRICTIONS.

A person may not take moose from a constructed platform or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.

97B.515 ELK; LICENSE REQUIRED, SEASONS, RESTRICTIONS.

Subd. 3. **Stand restrictions.** A person may not take elk from a constructed platform or other structure higher than nine feet above the ground. The restriction does not apply to a portable stand that is chained, belted, clamped, or tied with rope.